Supreme Court, U. S.
FILED
DEC 2 1976
MICHAEL RODAK, JR., CLERK

APPENDIX

Supreme Court of the United States

OCTOBER TERM, 1976

No. 76-37

SUSAN LYNN VORCHHEIMER, by her parents BERT and CAROL VORCHHEIMER, guardians *ad litem*, on her own behalf and on behalf of all others similarly situated,

Petitioners,

—v.—

SCHOOL DISTRICT OF PHILADELPHIA and MATTHEW W. COSTANZO, Superintendent of the School District of Philadelphia,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

PETITION FOR CERTIORARI FILED JULY 12, 1976

CERTIORARI GRANTED OCTOBER 18, 1976

RECORD PRESS, INC., 95 MORTON ST., NEW YORK, N. Y. 10014—(212) 243-5775
38

INDEX

	Page
Relevant Docket Entries	1a
Complaint	5a
Answer	13a
Excerpts from Trial Transcript ...	20a
Testimony of Susan Lynn Vorchheimer	21a
Testimony of Ralph Keen	29a

[Decisions of the Court of Appeals and the District Court appear in the Appendix to the Petition for a Writ of Certiorari, 1a-86a.]

Relevant Docket Entries

March 29, 1974	Complaint filed
April 26, 1974	Answer
August 26, 1974	Plaintiff's motion for preliminary injunction
August 26, 1974	Plaintiff's motion for determination of the class
Sept. 3, 1974	Memorandum contra motion for determination of the class
Sept. 3, 1974	Memorandum contra motion for preliminary injunction
May 22, 1975	Plaintiff's motion to amend the com - plaint
May 28, 1975	Trial
May 29, 1975	Trial resumes
May 30, 1975	Trial resumes

Aug. 7, 1975	Findings of Fact, Conclusions of Law, Memorandum, and Order; Judgment entered in favor of plaintiff and the class she represents and against defendants on plaintiff's claim arising under the Equal Protection Clause of 14th Amendment; defendants enjoined from refusing to admit plaintiff or any other member of the class to Central High School solely on the basis of sex
Aug. 28, 1975	Defendant's motion to suspend injunction pending appeal

Aug. 28, 1975	Notice of appeal to Court of Appeals
Sept. 2, 1975	District Court's order denying defendants' request for a stay of the permanent injunction
Sept. 5, 1975	Court of Appeals order granting defendants' motion for stay pending appeal
Oct. 14, 1975	Court of Appeals' order vacating stay as it applies to appellee Vorcheimer
March 16, 1976	Opinion of Court of Appeals
March 30, 1976	Petition for rehearing en banc before Court of Appeals

April 12, 1976	Court of Appeals order denying motion for rehearing en banc
July 12, 1976	Petition for writ of certiorari filed in the Supreme Court of the United States
Oct. 18, 1976	Petition for writ of certiorari granted by the Supreme Court of the United States

IN THE UNITED STATES
DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

CIVIL ACTION
NO. 74-791

SUSAN LYNN VORCHHEIMER, by her parents
BERT AND CAROL VORCHHEIMER;
Guardians ad litem
9721 Chapel Road
Philadelphia, Pennsylvania
on her own behalf and on behalf
of all others similarly situated,

Plaintiff,

vs.

SCHOOL DISTRICT OF PHILADELPHIA
and
MATTHEW W. COSTANZO, Superintendent
School District of Philadelphia
21st and the Parkway
Philadelphia, Pennsylvania

COMPLAINT - CLASS ACTION

Jurisdiction

1. The jurisdiction of this Court is invoked pursuant to title 28 U.S.C. §1343 and Title 42 U.S.C. §1983 to redress the deprivation of equal protec-

tion of the laws guaranteed by the Fourteenth Amendment to the United States Constitution.

2. This is a proceeding for declaratory and injunctive relief restraining the Defendant School District of Philadelphia from discriminating against the named Plaintiff and members of the class she represents on the basis of their sex (female) with regard to admission to Central High School of Philadelphia.

3. The named Plaintiff and members of the class she represents have no adequate remedy at law, monetary damages are not appropriate, and would not be adequate to redress the discriminatory conduct complained of herein.

Parties

4. The Plaintiff SUSAN LYNN VORCHHEIMER is a female citizen of the United States, thirteen years old, who resides at 9721 Chapel Road, Philadelphia, Pennsylvania. This action is brought on her behalf by her parents, BERT AND CAROL VORCHHEIMER, as guardians ad litem, who reside with her at 9721 Chapel Road, Philadelphia, Pennsylvania.

5. Plaintiff Susan Lynn Vorchheimer brings this action on her own behalf and

on behalf of all other persons similarly situated, pursuant to Rule 23(b) of the Federal Rules of Civil Procedure. The class which Plaintiff represents is the class of all females who are, or may in the future be, eligible for admission to Central High School of Philadelphia, in accordance with the Defendants' criteria for admission other than criteria based on sex; and the class of all Philadelphia high school students, male and female, who are attending Central High School, or Philadelphia High School for Girls, or who are or in the future may be qualified for admission to either of those schools.

6. There are common questions of law and fact affecting the rights of members of this class who are, and continue to be limited, classified and discriminated against in ways that deprive and tend to deprive them of equal opportunities because of their sex or academic achievements. These persons are so numerous that joinder of all members is impracticable. A common relief is sought. The Plaintiffs will adequately represent the interests of the class. The Defendants have acted or refused to act on grounds generally applicable to members of the class.

7. The Defendant School District of Philadelphia is an agency of the Commonwealth of Pennsylvania charged with the responsibility for carrying out the

Commonwealth's program of public education in and for the city and county of Philadelphia, pursuant to the Pennsylvania School Code.

8. Defendant Matthew W. Costanzo is the Superintendent of Schools of the School District of Philadelphia and is sued in his official capacity.

9. The Defendant School District of Philadelphia operates a system of free public education with an enrollment of approximately two hundred eighty thousand (280,000) students from elementary through high school. Of the approximate sixty-five thousand (65,000) high school students, 50.1% are male and 49.9% are female.

10. The Defendant School District operates a variety of senior high schools which it classifies as comprehensive high schools, technical high schools, academic high schools, and magnet schools.

11. There are only two academic high schools operated by the School District for the most highly qualified college bound students; Central High School of Philadelphia, which is limited to male students, and the Philadelphia High School for Girls, which is limited to female students.

12. Central High School of Philadelphia was founded in 1836 as the first public high school in Philadelphia, and the second public high school in the United States. It is the only public high school in Philadelphia with a substantial private endowment.

13. Central High School confers a Bachelor of Arts degree upon its graduates, and is the most prestigious high school in the city by reason of its history, and the accomplishments of its alumni.

14. The Philadelphia High School for Girls was established in 1893 as a secondary school for girls, having as its antecedent a teachers' training school founded in 1848.

15. Although its admission standards, other than sex, are comparable to those of Central High School, Girls' High is less prestigious, its alumnae less influential, and its educational program has traditionally suffered from sexual stereotypes attributing lower career aspirations to women.

16. The sexual segregation of Philadelphia's academic high schools imposes upon female students a badge of inferiority, teaching them expressly and by example, that they are not qualified to compete with male students in academic pursuits.

17. The sexual segregation of Central High School also injures male students by inculcating in them anachronistic ideals of male superiority which are incompatible with current legal, social and ethical standards.

18. Plaintiff Susan Lynn Vorchheimer is presently a ninth grade student at Masterman Laboratory and Demonstration School, who has maintained an "A" average throughout her junior high school education, and ranked in the ninety-eighth percentile (98th %tile) nationally in her most recent Iowa tests, well above the minimum admission standards for Central High School.

19. Plaintiff was also the youngest 1974 award recipient of the Levinson Foundation - Philadelphia Evening Bulletin essay contest whose theme was "How to Improve the Philadelphia School System" for her essay recommending the sexual integration of the city's academic high schools.

20. On or about January 11, 1974, Plaintiff's father submitted on her behalf an application for admission to Central High School, in accordance with the procedural requirements of the Defendants school system.

21. On or about February 1, 1974, Plaintiff's application for admission to

Central High School was rejected solely on the basis of her sex.

22. The refusal of the Defendants to admit Plaintiff and other academically qualified female students to Central High School constitutes arbitrary and unreasonable discrimination based upon sex violative of the Equal Protection Clause of the Fourteenth Amendment.

23. The Defendant School District's practice of maintaining only sexually segregated academic high schools also represents arbitrary and unreasonable discrimination against qualified students who attend or in the future may chose to attend the academic high schools since it denies them the benefit of a coeducational learning experience available to other students in the school system, and subjects them to the injury and abuse set forth in paragraphs sixteen (16) and seventeen (17) above.

WHEREFORE, Plaintiffs pray that this Court:

a. determine this to be a valid class action on behalf of the classes set forth herein,

b. issue a declaratory judgment determining that the Defendants' policy of excluding Plaintiff SUSAN LYNN VORCHHEIMER

and other academically qualified female students from Central High School of Philadelphia is invalid and unenforceable, on grounds that it is violative of the Equal Protection Clause of the Fourteenth Amendment,

c. issue a permanent injunction restraining the Defendants from excluding Plaintiff SUSAN LYNN VORCHHEIMER and other qualified female students from Central High School of Philadelphia.

SHARON K. WALLIS
Attorney for Plaintiffs
640-42 Rodman Street
Philadelphia, Pennsylvania
19147
WA3-6170

IN THE UNITED STATES
DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

CIVIL ACTION
NO. 74-791

SUSAN LYNN VORCHHEIMER,
by her parents BERT and CAROL
VORCHHEIMER; Guardians ad litem
9721 Chapel Road
Philadelphia, Pennsylvania
on her own behalf and on behalf
of all others similarly situated

vs

SCHOOL DISTRICT OF PHILADELPHIA
and
MATTHEW W. COSTANZO, Superintendent
School District of Philadelphia
21st and The Parkway
Philadelphia, Pennsylvania

ANSWER TO COMPLAINT

FIRST DEFENSE

1. The Court does not have jurisdiction over the subject matter.

SECOND DEFENSE

2. The Complaint fails to state a

claim against defendants upon which relief can be granted.

THIRD DEFENSE

3. Defendants admit the allegations contained in paragraphs 4, 7, 8, 9, 12, 14, 18, 19, 20, and 21 of the Complaint.

4. Defendants admit the allegation in paragraph 10 of the Complaint, insofar as that allegation states that defendants operate a variety of high schools. Defendant School District of Philadelphia denies that it classifies high schools as "comprehensive high schools, technical high schools, academic high schools, and magnet schools." Rather, defendant School District of Philadelphia classifies its high schools as "senior high schools" and "vocational-technical senior high schools."

5. Defendants admit the allegations in paragraph 11, insofar as they state that Central High School of Philadelphia (Central High School) is limited to male students and that Philadelphia High School for Girls (Girls' High School) is limited to female students. Defendants deny that Central High School and Girls' High School are classified by defendant School District of Philadelphia as "academic high schools." These schools are, in fact, classified as "senior high schools," though both have extensive

academic course offerings. Defendants aver that other senior high schools also have extensive and varied academic programs. Defendants aver that, though Central High School and Girls' High School are operated for the most highly qualified college bound students, equally qualified college bound students attend the other senior high schools of the School District of Philadelphia.

6. Defendants admit the allegations in paragraph 13 of the plaintiff's Complaint, insofar as they state that Central High School confers a Bachelor of Arts Degree upon its graduates and that it is a prestigious high school by reason of its history and the accomplishments of its alumni. Defendants aver, however, that the Bachelor of Arts Degree conferred by Central High School is the exact equivalent of a high school diploma for every purpose. Defendants also aver that other senior high schools of the School District of Philadelphia have outstanding prestige by reason of their history and the accomplishments of their alumni. Furthermore, even admitting arguendo that the allegations in paragraph 13 are true, these allegations alone do not require the School District of Philadelphia to eliminate the all-male criteria for Central High School, nor do these allegations, if true, confer any rights on the plaintiff.

7. Defendants admit the allegations contained in paragraph 15 of plaintiff's Complaint, insofar as they state that the admission standards, other than sex, of Girls' High School are comparable to those of Central High School. Defendants deny that "Girls' High School is less prestigious, its alumnae less influential, and its educational program has traditionally suffered from sex stereotypes attributing lower career aspirations to women." Defendants aver that the curriculum at Girls' High School is extensive and varied, and equal to and comparable with the curriculum offered at Central High School. Defendants further aver that the alumnae of Girls' High School are active and generous with regard to granting scholarships, prizes, and awards to deserving students of Girls' High School.

8. Defendants deny each and every other allegation contained in the Complaint.

FOURTH DEFENSE

9. It is denied that defendants' refusal to admit plaintiff, and other academically qualified female students, to Central High School constitutes arbitrary and unreasonable discrimination based upon sex violative of the Equal Protection clause of the 14th Amendment.

10. The Equal Protection clause of the 14th Amendment does not require identity of treatment for all citizens, or preclude a State, by legislation, from making classifications and creating differences in the rights of different groups.

11. A legislative classification based on sex has often been held to be constitutionally permissable.

12. This classification is not arbitrary, nor without rational justification, including, inter alia, respected pedagogical opinion on the value of single-sex institutions.

FIFTH DEFENSE

13. The School District of Philadelphia offers a variety or programs for students attending "senior high school." Those programs include, inter alia, academic courses, general and commercial courses, and specialized programs, such as "magnet" and "alternative" programs. The School District also offers senior high schools for students who wish to attend an institution for their own sex.

14. Central High School is a part of the School District of Philadelphia and should not be considered in isolation from the entire program offered by the School District of Philadelphia, as more

fully described in paragraph 13.

15. Central High School has no special feature which would make it more advantageous educationally to plaintiff, than any number of other senior high schools operated by the School District of Philadelphia.

WHEREFORE, the Complaint should be dismissed.

Respectfully submitted,

/S/ _____
ALAN H. GILBERT, Assistant Counsel
Attorney for the School District of Philadelphia

COMMONWEALTH OF PENNSYLVANIA) ss:
COUNTY OF PHILADELPHIA)

A F F I D A V I T

EDWARD B. SOKEN, being duly sworn according to law, deposes and says that he is the Assistant Secretary of THE SCHOOL DISTRICT OF PHILADELPHIA and that the facts set forth in the foregoing Answer to Complaint are true and correct to the best of his knowledge, information, and belief.

_____
EDWARD B. SOKEN

[Jurat omitted in printing]

IN THE UNITED STATES
DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

SUSAN LYNN VORCHHEIMER, by her
parents BERT and CAROL VORCHHEIMER,
guardians ad litem,
on her own behalf and on behalf
of all others similarly situated,

vs.

SCHOOL DISTRICT OF PHILADELPHIA

and

MATTHEW W. COSTANZO, Superintendent,
School District of Philadelphia

CIVIL ACTION

NO. 74-791

Philadelphia, Pa., May 28, 1975.

Before HON. CLARENCE C. NEWCOMER, J.

FIRST DAY

---

* * *

[Trial transcript, p. 11]

SUSAN LYNN VORCHHEIMER, sworn.
DIRECT EXAMINATION

BY MS. WALLIS:

Q Miss Vorchheimer, how old are you?

A 15 years old.

Q I think you will have to keep your voice up and look at the judge when you answer.

A 15.

[p. 12]

Q Where do you live?

A In Bustleton.

Q What is Bustleton, can you identify that?

A It is a community in Northeast Philadelphia.

Q Where are you going to school at the present time?

A George Washington High.

Q What grade are you in?

A Tenth.

Q What school did you attend previous to George Washington?

A Masterman Middle School, Bustleton Elementary and Holmes Elementary.

Q Can you describe those three schools? Are they public or private?

A All three are public schools, and Masterman is an academic school similar to Girls and Central but coed.

Q What do you mean by similar to Girls and Central?

A It has similar entrance requirements and similar goals and similar reputation of excellence.

Q What grades does Masterman encompass?

A Fourth to ninth.

Q When did you start Masterman?

A In seventh grade.

Q When did you graduate from Masterman?

A Last year in ninth grade.

Q How did you do at Masterman?

[p. 13]

A I did extremely well and --

Q Keep your voice up, please.

A Okay. I did very well and on graduation I received six awards.

Q What were those awards?

A The most outstanding student, English award, history, science, geometry and American Legion award for citizenship and scholarship.

Q What is your career goal?

A I would like to be a rabbi.

THE COURT: What was that again, please?

THE WITNESS: A rabbi.

BY MS. WALLIS:

Q Do you participate in extracurricular activities at school?

A Yes.

Q What activities are those?

A In school I participate in the senior choir.

Q What are your interests outside of school?

A Outside of school I am very involved in my Youth Group, which is called Pennsylvania Federation of Temple Youth.

Q Do you hold any office in that group?

A In my local chapter I am vice president.

Q What other pursuits occupy your time outside of school?

A Housework, reading, and a lot of time is spent with the

[p. 14]

Youth group.

Q What are your responsibilities at home?

A I share with my sister and my entire family the cooking and cleaning and similar work.

Q Where do you draw your friends from, outside of school or within the school community?

A Almost all my friends are in the Youth Group.

Q And where do they go to school?

A Spread out over Eastern Pennsylvania and parts of New Jersey.

Q You are the plaintiff in this case to obtain admission to Central High School. When did you decide that you wanted to go to Central?

A Sometime in the middle of last year, in ninth grade.

Q Was that your own decision or was it influenced by your parents or other adults?

A It was my own idea and decision.

* * *

[p. 19]

BY MS. WALLIS:

Q Miss Vorchheimer, why did you decide you wanted to go to Central?

A I visited several schools that were among my choices and one of them was Central and I liked it there. I liked the atmosphere and also what I had heard about it, about its academic excellence.

Q Is George Washington a neighborhood school?

A Yes.

Q Are you satisfied with the education you are receiving at George Washington?

[p. 20]

A Not fully.

Q What is the basis for your dissatisfaction?

A It is not an academic school and there isn't as much interest either among the students or the teachers, and I don't find that I am doing as well or even enjoying myself as much as I did at Masterman, which was a much harder school.

Q How are you doing academically?

A Not up to my past standards. I am getting A's in all of my subjects except one, and that one is Math, and I almost flunked, and I am pulling it up.

Q Did you take any standardized examinations this year?

A I took the SAT's.

Q Explain to the judge what the SAT's

are.

Incidentally, I think you might look at the judge when you answer the question.

THE COURT: That is all right. If you are more comfortable looking at Ms. Wallis it is perfectly all right.

A The SAT's are a test that are required for college admission and the highest mark is 1600 and I received 1330.

Q What was your percentile rating?

A In English that was 99th percentile and in Math it was 97th, for collegebound students.

Q In view of your past performance at Masterman and your SAT scores how do you explain the decline in your academic

[p. 21]

standing during the last year?

A There are a lot of reasons but I think the main one is that not as much was expected by the teachers. She was satisfied if you gave her C work, and you weren't asked to give any more. Nothing is very demanding.

* * *

BY MS. WALLIS:

Q Are there other reasons that you -- you said that was the main reason. Can you enumerate any other reasons?

A I think the fact that it is not an academic school had a large part of it. And the rest just gets into personal things with teachers, and I don't think that has a basis.

Q Are there any reasons other than reasons that relate to the academic program at school?

A No.

Q Did you consider Girls High as an alternative to George Washington?

A Yes. I also visited Girls and sat in on one of the classes and walked around and I just didn't like the impression it gave me. I didn't think I would be able to go

[p. 22]

there for three years and not be harmed in any way by it.

MS. WALLIS: I have no further

questions of this witness, Your Honor. You may cross-examine.

MR. GILBERT: I have no questions of this witness.

* * *

[p. 49]

MS. FLICK: We would call Mr. Ralph Keen. Before qualifying Mr. Keen as an expert in the history of Central High School, he acts as a substitute for Mr. Diano and we wish to identify his bias with respect to this case by asking one question.

RALPH D. KEEN, sworn.

DIRECT EXAMINATION

BY MS. FLICK:

Q As a student at Central High School and a future alumnus would you want to see female students enrolled in your school?

A No.

* * *

[p. 52]

BY MS. FLICK:

Q Mr. Keen, what is your occupation?

A I am a student.

Q Where?

A At Central.

Q What year are you in?

A I am a senior.

Q Are you in the advanced program?

A I am receiving advance placement credits for three subjects.

Q And they are?

A English, French and Greek.

Q Are you familiar with the history of Central High School?

A Yes, I am.

Q How did you become familiar with this history?

A Well, when I entered Central in tenth grade, after several weeks of adjusting to it I sort of, well, fell in love with the school and proceeded to learn all about it, as much as I could.

[p. 53]

Q Did you do any particular studies or work on the history of Central High School?

A This is my second year working in the archives of the Associated Alumni of the school, as an assistant to Mr. Diano, the archivist.

Q Could you describe the archives?

A It is a large collection of documents, textbooks, books written by alumni, books written by former teachers, minutes of faculty meetings dating back to 1850, letters written to officials of the school by people from the school. It is a large collection of documents, books, records, manuscripts.

Q And have you read many of these archives?

A Yes, I have read minutes of the faculty from 1840 to 1853. I have read histories of the school, the dedication of the new building in 1902. I am also in constant contact with documents, with material.

* * *

BY MS. FLICK:

Q How did you work with Mr. Diano on these archives?

[p. 54]

A Well, last year I was collecting newspaper clippings concerning the school and alumni and doing administrative work for the association. This year the archives were moved to a new room in the building and in order to put the collection into better order I devised a classification system and have been putting that into effect. I have been rehousing documents and reclassifying and sorting archive material.

Q Did you bring with you a copy of the Central High School Handbook?

A Yes, I did, the latest edition.

* * *

[p. 58]

BY MS. FLICK:

Q As far as the history that is tabulated in the student handbook, what years does it purport to cover?

A From the beginning of the School District of Philadelphia in 1818 to 1970 or '71. It is the 1971 edition.

Q Did you bring with you a copy of Cornog's "School of the Republic"?

A Yes, I did.

* * *

BY MS. FLICK:

Q Cornog's "School of the Republic," your answer was you brought that one?

A Yes.

Q Do you know who Dr. Cornog was?

A Yes, he was the ninth president of Central High School.

* * *

Q This is Plaintiffs' Exhibit P-7.

What years does this history of Central High

[p. 59]

School cover?

A 1893 to 1943.

Q When was it published?

A 1952, I believe.

* * *

BY MS. FLICK:

Q Does "The School of the Republic" refer to Central High School?

A Yes, it does.

Q By whom was this book published?

A By the Associated Alumni of the school.

Q Did you bring any other copies from the archives or elsewhere relating to the history of Central High School?

A Yes, I did.

Q Which one?

A Franklin Spencer Edmonds' "History of the Central High School of Philadelphia."

Q What years does this cover?

A From the beginning of the school 1836 to approximately 1893 or '95.

Q Am I correct between these two volumes the history of such a high school is covered practically from its beginning to --

[p. 60]

A To 1943.

* * *

[p. 62]

BY MS. FLICK:

Q Do you know anything about the Barnwell Foundation?

A Yes, I do.

Q Are Barnwell Bulletins prepared from the moneys produced by the Barnwell Foundation?

A Yes, they are.

Q Who publishes the Barnwell pamphlets?

A I believe the Barnwell Foundation.

Q Where are these bulletins kept?

A They are kept in the school library and in the archives. They have been distributed to students. The latest one, the last one was in 1972 or '73 and was distributed to the entire student body.

Q In general what do the Barnwell Bulletins contain?

A They are either lectures or accounts of certain aspects of the school, either the history of the school, the alumni of the school.

MS. FLICK: I move these into evidence as part of the history of the school.

* * *

[p. 63]

BY MS. FLICK:

Q Are you aware of any papers that have been prepared that would update even more the history of Central High School?

A Yes, there was a student paper written in the last month which was supposed to update Dr. Cornog's history.

Q And what is the title of that paper?

A "School of the Republic Two".

Q And who is the author?

A Alan Hirshey.

Q Did you have anything to do with the preparation of this paper?

A Yes, I gathered the material that he

used for it. I guided him partially in the use of archive material for the paper.

Q Is this paper in the archives at present?

A No, it is not.

Q Is it expected that it will be in the archives?

* * *

[p. 64]

A It was a private paper done for a class for Dr. Carlisle. In returning the paper, the graded paper, he stated that he wanted a copy bound and placed in the archives.

* * *

[p. 67]

BY MS. FLICK:

Q What were the original materials from which that study was drawn?

A The study used the chronology of the school in the handbook there, also alumni journals and school newspapers, copies of the school newspaper.

* * *

[p. 68]

Q Can you identify the notables that have come to Central High School?

* * *

A Robert Kennedy received what I believe to be the first Barnwell Distinguished Service Award at the occasion of the 125th anniversary of the school in 1963.

Hubert Humphrey received an award, Ralph Nader visited the school and received an award, and only last year Elliot Richardson, he was the latest recipient of the Barnwell Distinguished Service Award.

BY MS. FLICK:

Q Have any Presidents of the United States come to

[p. 69]

Central High School?

* * *

A Not to receive an award.

BY MS. FLICK:

Q Well, come to Central High School to make speeches?

A Yes. President Polk visited the school in 1847 and at the dedication of the third building of the school in November of 1902 President Theodore Roosevelt visited the school with his cabinet and delivered a speech.

Q Regarding the Barnwell Foundation, what is the money used for?

A Well, the school library, it buys most of the books. There are private collections which are funded, but most of the books are purchased by the Barnwell funds. Also financially helping out in school activities, the publication and printing of bulletins, which is no longer done, as far as I understand. Also the handbooks such as this, they are called the Barnwell handbooks. They are printed by the Barnwell Foundation.

* * *

[p. 70]

Q How many books are there in the Central High School Library?

A Over 50,000.

Q Do you have a planetarium at Central

High School?

A Yes, we do. It is the first classroom planetarium of any high school in the country.

Q Do you have a cyclotron at Central High School?

A Yes, about 20 years ago Central science students built a cyclotron and it is still in use.

MS. FLICK: That is all.

The Findings of Fact, Conclusions of Law, Memorandum and Order of the District Court appear in the appendix to the Petition for a Writ of Certiorari, 38a - 86a.

The Opinion, Judgment, and Denial of the Petition for Rehearing of the Court of Appeals appear in the appendix to the Petition for a Writ of Certiorari, 1a - 37a.